

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: : Chapter 11
W. R. GRACE & CO., et al., : Case No. 01-01139(JKF)
Debtors. : Jointly Administered
----- X : Hearing Date: November 14, 2005 at 12:00
: p.m.

**RESPONSE OF OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
IN SUPPORT OF DEBTOR'S MOTION FOR ORDER ESTABLISHING A
PROOF OF CLAIM BAR DATE FOR ASBESTOS PERSONAL INJURY
PRE-PETITION LITIGATION CLAIMS (Dkt. No. 9622)**

The Official Committee (the “Equity Committee”) of Equity Security Holders of W.R. Grace & Co. (“Grace”) submits this response in support of *Debtor’s Motion for Order Establishing a Proof of Claim Bar Date for Asbestos Personal Injury Pre-Petition Litigation Claims* dated October 10, 2005 (the “Bar Date Motion”). As the Equity Committee has noted before¹, the Court must ensure that there are sufficient consequences to those asbestos personal injury claimants who fail or refuse to complete and return the PI Questionnaire² so as to avoid the upward sample bias that will result if the tort claimants and their counsel are allowed to “pick and choose” which claimants provide the requested information. Given the announcement during the September 26, 2005 omnibus hearing that many claimants apparently do not intend to respond to the PI Questionnaire and intend to challenge the Court’s jurisdiction to compel responses, the Equity Committee’s concerns in this regard are heightened. As the Debtors have

¹ See *Response of Official Committee of Equity Security Holders to W.R. Grace & Co.’s Motion to Approve PICMO and Questionnaire* dated June 30, 2005 (Dkt. # 8816), which is incorporated by reference.

² Terms not otherwise defined herein shall have the same meaning as such terms in the Bar Date Motion.

elaborated in the Bar Date Motion, the Court should impose a bar date for the Asbestos PI Pre-Petition Litigation Claimants, because alternative means of enforcing compliance with the PI Questionnaire may not be effective.

Accordingly, the Equity Committee requests that the Court grant the Bar Date Motion.

Dated: October 28, 2005

Respectfully submitted,

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